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EXAMINER

PATEL, NIRAV B

ART UNIT	PAPER NUMBER
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2135

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	09/977,894		LEE ET AL.	
	Examiner		Art Unit	
	Nirav Patel		2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2006 (Amendment).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendment filed on December 07, 2006 has been entered. Claims 1-25 are pending. Claims 1, 7 and 15 are amended by the applicant. Claims 23-25 are new added claims by the applicant.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 7,8,10,13, 15,16,18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abdelnur et al. (US Patent No. 6,212,640) in view of Hooper et al (US Patent No. 5,414,455) and in view of Grube et al (US Patent No. 5,594,796).

As per claim 1, Abdelnur discloses:

a data communication network [col.8 lines 32-33 i.e., internet];

a list providing server for providing list information of a Sharing Web [col.3 lines 4-5

"information servers maintain resources that may be shared through the Internet"];

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at least one *agent server* for forming the Sharing Web between users through the data communication network **[col.10 lines 38-39 Fig.4, “successfully establish communication link 445 with web server 480 and can access its resources”]**;

at least one *user terminal* for transmitting and receiving a digital literary work through the Sharing Web **[Fig. 4, client 430 communicating bidirectional]**;

a *main server* **[Fig. 4, web server 480]** for accessing a Sharing Web listed in the list information provided from the list providing server through the data communication network, **[col.11 lines 12-13, “Web server 480 is a gateway on network 450 that can indirectly route application 410's requests to server 460”, col.1 lines 26-28]** searching for the digital literary work shared through the Sharing Web according to a predetermined search condition **[col.11 lines 23-27 “access a resource server that can satisfy application 410's request”]**, *determining* **[col.2 lines 36-37 “server evaluates certain information”]**, *deciding* a digital literary work to be *shared* among the digital literary works, which are inputted by a supervisor **[col.2 lines 36-37 “server evaluates certain information, such as identity; col. 5 lines 45-47 Fig. 1, applications downloaded from a server are trusted by that server. Thus, client application 101 can access the resources available on office server 102”]**, according to the *determination* result and literary work information requiring the protection, *inputted by the supervisor* **[col.9 lines 60-63, “Authentication involves submission of data (i.e., user names, passwords, etc.) from a client application to a server, verification of this information by the server, and establishment of a successful connection]**, and *generating accessing information* of the Sharing Web

[col. 6 lines 16-17 “The NFS system generated mount table is stored as a file on each server”, Fig.2, NFS server 260];

at least one *sub-server* **[col.10 lines 41-43 “other servers”]** for receiving information of the digital literary work decided to be shared and *the accessing information* of the Sharing Web *from the main server*, connected to the agent server depending on the accessing information **[col. 11 lines 16- 18, Fig.4, “web server 480 and resource server 460 are both members of network 450, the two servers can communicate free from any limitations”]**, and allowing a sharing of the digital literary work decided to be shared **[col. 11 lines 16- 18, Fig.4 the two servers can communicate free from any limitations];**

a *premise communication network* for connecting the main server and the sub-server to each other **[col.11 lines 16- 18, Fig.4, (RPC-UDP) “web server 480 and resource server 460 are both members of network 450, the two servers can communicate free from any limitations”];**

and a *network interface unit* for connecting the premise communication network to the data communication network **[“firewall” Fig.1]** .

Abdelnur doesn't expressively mention that digital literary work has an identifier which is associated with at least one of a plurality of variably located portions of the digital literary work.

However, Hooper teaches that digital literary work (i.e. video) has an identifier which is associated with at least one of a plurality of variably located portions of the digital literary work **[Fig. 3, col. 6 lines 13-15, Fig. 2, Fig. 1].**

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hooper into the teaching of Abdelnur to utilize the identifier, which is associated with portions of the digital literary work. The modification would be obvious because one of ordinary skill in the art would be motivated to transfer selected video to the viewing device in the area of information distribution [**Hooper col.2 lines 17-19**].

Grube teaches:

the decision regarding whether to share the digital literary work being based only on existence of the identifier (tag) in the digital literary work [**Fig. 1, 2, 3, col. 5 lines 50-60, col. 6 lines 33-45, 65-66**].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Grube with Abdelnur and Hooper, since one would have been motivated to detect the unauthorized distribution of data [**Grube, col. 1 lines 9-10**] and to prevent unauthorized distribution of data [**Grube, col. 6 lines 65-66**].

As per claim 2, the rejection of claim 1 is incorporated and further Abdelnur discloses:

the sub-server *reads* a corresponding digital literary work *from the main server* [**col.11 lines 16-18, Fig. 4, “web server 480 and resource server 460 are both members of network 450, the two servers can communicate free from any limitations”**] whenever receiving a file *transmission request* for the shared digital literary work from

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the user terminal connected to the sub-server via the Sharing Web, and *transmits* said read digital literary work to the user terminal [**col.10 lines 64-66 and Fig.4 - Fig.5 “application 410's request is processed by server 460, at step 535, client application 410 receives a response from server 460, via communication link 440”**].

As per claim 3, the rejection of claim 1 is incorporated and further Abdelnur discloses:

the *sub-server pre-reads* the digital literary work decided to be shared *from the main server* and stores it [**col.11 lines 16-18, Fig. 4 “web server 480 and resource server 460 are both members of network 450, the two servers can communicate free from any limitations”**], and *transmits* the stored digital literary work to the user terminal when receiving a file *transmission request from the user* terminal connected to the sub-server via the Sharing Web [**col.10 lines 64-66 and Fig.4 - Fig.5 “application 410's request is processed by server 460, at step 535, client application 410 receives a response from server 460, via communication link 440”**].

As per claim 4, the rejection of claim 1 is incorporated and Abdelnur doesn't explicitly mention that the digital literary work having the identifier is an advertising digital literary work formally produced and *distributed for publicity* by a writer, a production and distribution company of the literary work, or a server managing company.

However, Hooper discloses the digital literary work having the identifier **[Fig. 3 col. 6 lines 13-15]** is an advertising digital literary work formally produced and *distributed for publicity* by a writer, a production and distribution company of the literary work, or a server managing company **[col. 1 lines 11-16]**.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hooper into the teaching of Abdelnur to utilize the identifier in the digital literary work. The modification would be obvious because one of ordinary skill in the art would be motivated to transfer selected video to the viewing device in the area of information distribution **[Hooper, col.2 lines 17-19]**.

As per claim 7, Abdelnur discloses:

inputting and storing literary work information requiring the protection of its copyright and a *digital literary work in a main server* by a supervisor **[col.2 lines 30-32 “web pages that are stored on a remote server. Information including data files, and the web pages are often shared and transferred between the client and the server”]**;

connecting said main server to an agent server mediating a Sharing Web by the main server, and *searching for a digital literary work* shared through the Sharing Web according to a search condition set by the supervisor **[col.11 lines 23-27 “Requests submitted by application 410 to web server 480 are processed by servlet 490. Servlet 490 is a program code that can be written in the Java programming**

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language, or other programming languages, and can access a resource server that can satisfy application 410's request”];

downloading the searched digital literary work from the Sharing Web to the main server, *determining* in the digital literary work [col.10 lines 59-60 Fig.5 “At step 520, it is determined whether application 410 is a trusted application to server 460”], and deciding the digital literary work to be "pass" or "fail" with respect to its shareability according to the determination result by the main server [col.2 lines 36-37 “server evaluates certain information, such as identity”];

generating and storing information of a digital literary work to be shared by the main server against the digital literary work decided to be "fail" as to its shareability among the digital literary works, [col.6 line 16-17 “The NFS system generated mount table is stored as a file on each server and client in the NFS network. The mount table consist of a list of entries”] according to the literary work information requiring the protection of its copyright [col.2 lines 36-37 “server evaluates certain information, such as identity”];

accessing the Sharing Web, sharing a list of the digital literary work to be shared, [col.6 lines 33-34, “to access information stored on remote file system 270, accessible via NFS server 260”] and transmitting the list to the user when a *transmission request* for the digital literary work to be shared from a predetermined Sharing Web user is received [col.10 lines 64-66 and Fig.4 - Fig.5 “application 410's request is processed by server 460, at step 535, client application 410 receives a response from server 460, via communication link 440”].

Abdelnur doesn't expressively mention that digital literary work has an identifier which is associated with at least one of a plurality of variably located portions of the digital literary work.

However, Hooper teaches that digital literary work (i.e. video) has an identifier which is associated with at least one of a plurality of variably located portions of the digital literary work **[Fig. 3, col. 6 lines 13-15, Fig. 2 component 24, Fig. 1]**.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hooper into the teaching of Abdelnur to utilize the identifier, which is associated with portions of the digital literary work. The modification would be obvious because one of ordinary skill in the art would be motivated to transfer selected video to the viewing device in the area of information distribution **[Hooper col.2 lines 17-19]**.

Grube teaches:

the decision regarding shareability being based only on existence of the identifier (tag) in the digital literary work **[Fig. 1, 2, 3, col. 5 lines 50-60, col. 6 lines 33-45, 65-66]**.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Grube with Abdelnur and Hooper, since one would have been motivated to detect the unauthorized distribution of data **[Grube, col. 1 lines 9-10]** and to prevent unauthorized distribution of data **[Grube, col. 6 lines 65-66]**.

As per claim 8, the rejection of claim 7 is incorporated and further Abdelnur discloses:

if there is *no search result* value corresponding to the search condition, all the digital literary works corresponding to the literary work requiring the protection of its copyright *inputted by the supervisor* are determined to be shared. **[col.2 lines 30-33 “web pages” that are stored on a remote server. Information including data files, and the web pages are often shared and transferred between the client and the server”].**

As per claim 10, the rejection of claim 7 is incorporated and further it is a method claim corresponds to system claim 4 and is rejected for the same reason set forth in the rejection of claim 4 above.

As per claim 13, the rejection of claim 7 is incorporated and further Abdelnur discloses:

inserted into the digital literary work by a server managing company **[col.7 lines 2-3 “A file handle is created by the NFS server”, col.6 lines 66-67 “A file handle is the token by which NFS clients refer to files on an NFS server”].**

As per claim 15, Abdelnur discloses:
inputting and storing literary work information requiring the protection of its copyright and a digital literary work in a main server by a supervisor **[col.2 lines 30-32 “web**

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pages that are stored on a remote server. Information including data files, and the web pages are often shared and transferred between the client and the server”];

connecting said main server to an agent server mediating a Sharing Web by the main server, and *searching for a digital literary work* shared through the Sharing Web according to a search condition set by the supervisor **[col.11 lines 23-27 “Requests submitted by application 410 to web server 480 are processed by servlet 490. Servlet 490 is a program code that can be written in the Java programming language, or other programming languages, and can access a resource server that can satisfy application 410's request”]**;

downloading the searched digital literary work from the Sharing Web to the main server, *determining* in the digital literary work **[col.10 lines 59-60 Fig.5 “At step 520, it is determined whether application 410 is a trusted application to server 460”]**, and deciding the digital literary work to be "pass" or "fail" with respect to its shareability according to the determination result by the main server **[col.2 lines 36-37 “server evaluates certain information, such as identity”]**;

generating and storing information of a digital literary work to be shared by the main server against the digital literary work decided to be "fail" as to its shareability among the digital literary works, **[col.6 line 16-17 “The NFS system generated mount table is stored as a file on each server and client in the NFS network. The mount table consist of a list of entries”]** according to the literary work information requiring the

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protection of its copyright [*col.2 lines 36-37* “server evaluates certain information, such as identity”];

generating and storing accessing information of the Sharing Web, and determining a *division of system resources required to share* the digital literary work to be shared by the main server [*col.10 lines 41-46* “In addition to resources available on web server 480, application 410 may also need to access resources available on other servers on network 450, such as server 460. To access those resources (i.e., resource 470) application 410 needs to submit a request to the server that is linked to those resources”, Fig.4, web server 480 and server 460 communicate to access resources 470];

transmitting a sharing execution command from the main server to a sub-server in response to the division information of system resources [Fig.4, web server 480 and server 460 communicate to access resources 470];

connecting the sub-server to the main server, receiving the accessing information of Sharing Web to be accessed and information of the digital literary work to be shared according to the *sharing execution command* from the main server, accessing the Sharing Web by the accessing information, and allowing a sharing of the digital literary work to be shared [*col.7 lines 47-49 ,52-54* “The WebNFS program is executed on NFS server 360 to respond to the RPC requests submitted by NFS client 330. When an NFS request is made, NFS server 360 finds the file for which the request was made” “NFS server 360 returns a file handle to NFS client 330 through communication link 340, so that the client can access file system 370”].

Abdelnur doesn't expressively mention that digital literary work has an identifier which is associated with at least one of a plurality of variably located portions of the digital literary work.

However, Hooper teaches that digital literary work (i.e. video) has an identifier which is associated with at least one of a plurality of variably located portions of the digital literary work **[Fig. 3, col. 6 lines 13-15, Fig. 2 component 24, Fig. 1]**.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hooper into the teaching of Abdelnur to utilize the identifier, which is associated with portions of the digital literary work. The modification would be obvious because one of ordinary skill in the art would be motivated to transfer selected video to the viewing device in the area of information distribution **[Hooper col.2 lines 17-19]**.

Grube teaches:
the decision regarding shareability being based only on existence of the identifier (tag) in the digital literary work **[Fig. 1, 2, 3, col. 5 lines 50-60, col. 6 lines 33-45, 65-66]**.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Grube with Abdelnur and Hooper, since one would have been motivated to detect the unauthorized distribution of data **[Grube, col. 1 lines 9-10]** and to prevent unauthorized distribution of data **[Grube, col. 6 lines 65-66]**.

As per claim 16, the rejection of claim 15 is incorporated and is rejected for the same reason set forth in the rejection of claim 8 above.

As per claim 18, the rejection of claim 15 is incorporated and further claim 18 is a method claim corresponds to system claim 4 and is rejected for the same reason set forth in the rejection of claim 4 above.

As per claim 21, the rejection of claim 15 is incorporated and is rejected for the same reason set forth in the rejection of claim 13 above.

3. Claims 5, 11 and 19 are rejected under 35 USC 103 (a) for being unpatentable over Abdelnur et al. in view of Hooper, in view of Hooper et al (US Patent No. 5,414,455) in view of Grube et al (US Patent No. 5,594,796) in view of Wiser et al. (U.S. Patent No. 6,385,596).

As per claims 5, the rejection of claim 1 is incorporated and further Hooper discloses:

the digital literary work has an identifier **[Fig. 3 col. 6 lines 13-15]**.

Abdelnur and Hooper don't explicitly mention that a digital literary work edited with a reduction in its quality to a level lower than that of an original digital literary work.

However, Wiser discloses that a digital literary work edited [**col.12 lines 5-7 “uses the authoring tool to perform any desired digital signal processing, and editing on the digitally recorded audio data”**].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of Wiser into the teaching of Abdelnur, Hooper and Grube to a digital literary work edited with a reduction in its quality to a level lower than that of an original digital literary work. The modification would be obvious because one of ordinary skill in the art would want to distribute media data files from their respective authors [**Wiser, col. 11 lines 63-64**]. In doing so one would be able to look preview of digital work prior to purchase or use for advertising purpose and prevent from illegal reproduction of digital work.

As per claim 11, the rejection of claim 7 is incorporated and further claim 11 is a method claim corresponds to system claim 5 and is rejected for the same reason set forth in the rejection of claim 5 above.

As per claim 19, the rejection of claim 15 is incorporated and further claim 19 is a method claim corresponds to system claim 5 and is rejected for the same reason set forth in the rejection of claim 5 above.

4. Claims 6, 12 and 20 are rejected under 35 USC 103 (a) for being unpatentable over Abdelnur et al. in view of Hooper, in view of Hooper et al (US Patent No.

5,414,455) and in view of Grube et al (US Patent No. 5,594,796) and further in view of Moskowitz (U.S. Patent No. 6,598,162).

As per claim 6, the rejection of claim 1 is incorporated and further Hooper discloses:

the digital literary work has an identifier **[Fig. 3 col. 6 lines 13-15]**.

Hooper teaches the video is encoding and compressing before transfer over the network **[col. 5 66-67, col. 6 lines 1-2]**. Abdelnur and Hooper don't explicitly mention the digital literary work *encrypted with a predetermined encryption key*.

However, Moskowitz discloses that the digital literary work having the identifier is a digital literary work *encrypted with a predetermined encryption key* **[col.6 lines 22-25 FIG.1, "according to an embodiment of the present invention some of the header information can be identified and "scrambled" using the predetermined key at steps 110 to 130"]**.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of Moskowitz into the teaching of Abdelnur, Hooper and Grube to have encrypted with a predetermined encryption key. The modification would be obvious because one of ordinary skill in the art would want to be increased security is achieved in the method by combining elements of "public-key steganography" with cryptographic protocols, which keep in-transit data secure by scrambling the data with "keys" in a manner that is not apparent to those with access to the content to be distributed **[Moskowitz col.5 lines 23-27]**.

As per claim 12, the rejection of claim 7 is incorporated and further claim 12 is a method claim corresponds to system claim 6 and is rejected for the same reason set forth in the rejection of claim 6 above.

As per claim 20, the rejection of claim 15 is incorporated and further claim 20 is a method claim corresponds to system claim 6 and is rejected for the same reason set forth in the rejection of claim 6 above.

5. Claim 9 and 17 are rejected under 35 USC 103 (a) for being unpatentable over Abdelnur et al., in view of Hooper et al (US Patent No. 5,414,455) and in view of Grube et al (US Patent No. 5,594,796) and further in view of Halabieh (U.S. Patent No. 6,564,170).

As per claim 9, the rejection of claim 7 is incorporated and further Hooper discloses:

the digital literary work has an identifier **[Fig. 3 col. 6 lines 13-15]**.

Abdelnur and Hooper don't explicitly mention that calculating a dilution ratio of the number of digital literary works decided to be "pass" as to its shareability to the total number of searched digital literary works.

Halabieh discloses calculating a dilution ratio of the number of digital literary works decided to be "pass" as to its shareability to the total number of searched

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digital literary works [**col.3 lines 35-45** "Using the number of each triggered event and the total of all events, the system calculates the first degree probability for each event in step 202" Fig.2 components 200,201A, 201B, 202].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of Halabieh into the teaching of Abdelnur, Hooper and Grube to calculate a ratio. The modification would be obvious because one of ordinary skill in the art would want to monitor the user activities.

As per claim 17, the rejection of claim 15 is incorporated and is rejected for the same reason set forth in the rejection of claim 9 above.

6. Claim 14 and 22 are rejected under 35 USC 103 (a) for being unpatentable over Abdelnur et al. in view of Hooper et al (US Patent No. 5,414,455) and in view of Grube et al (US Patent No. 5,594,796) and further in view of Natarajan (U.S. Patent No. 6,611,599).

As per claim 14, the rejection of claim 7 is incorporated and further Hooper discloses:

the digital literary work has an identifier [**Fig. 3 col. 6 lines 13-15**].

Abdelnur and Hooper don't explicitly mention the identifier is a watermark.

Natarajan discloses the identifier is a *watermark* [**col.2 lines 29-20** The present invention provides a technique for identifying digital object using a digital watermark **col.2 lines 29-30**].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of Natarajan into the teaching of Abdelnur, Hooper and Grube to have the identifier is a watermark. The modification would be obvious because one of ordinary skill in the art would be motivated to identify digital object using a digital watermark [**Natarajan col.2 lines 29-30**].

As per claim 22, the rejection of claim 15 is incorporated and is rejected for the same reason set forth in the rejection of claim 14 above.

7. Claim 23-25 are rejected under 35 USC 103 (a) for being unpatentable over Abdelnur et al., in view of Hooper et al (US Patent No. 5,414,455) and in view of Grube et al (US Patent No. 5,594,796) and further in view of Yoshiura et al (U.S. Patent No. 6,131,162).

As per claim 23, the rejection of claim 1 is incorporated and Abdelnur teaches the main server and the at least one agent server [**Fig. 4**]. Hooper teaches the identifier within the digital literary work [**Fig. 3**].

Yoshiura teaches apposition of the identifier within the digital literary work is determined based on transmission rules **[Fig. 2, 5, col. 13 lines 43-50]**.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Yoshiura with Abdelnur, Hooper and Grube, since one would have been motivated to authenticates the relation between digital data and an individual/organization **[Yoshiura, col. 1 lines 17-19]**.

As per claim 24, the rejection of claim 7 is incorporated and is rejected for the same reason set forth in the rejection of claim 23 above.

As per claim 25, the rejection of claim 15 is incorporated and is rejected for the same reason set forth in the rejection of claim 23 above.

Response to Arguments

8. Applicant's arguments filed December 07, 2006 have been fully considered but they are not persuasive.

Applicant argues that:

Grube fails to teach or suggest that the decision regarding shareability being based only on existence of the identifier in the digital literary work.

Examiner disagrees with applicant's remark and still maintains that:

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Grube's invention relates to identify and prevent the unauthorized distribution in the data distribution (i.e. sharing digital literary work) [col. 2 lines 50-53]. The secure gateway checks the data for a security tag (i.e. identifier) and compares the identity of database currently distributing the data with the identify of the authorized database based on the security tag [col. 3 lines 63-65, col. 4 lines 1-7, Fig. 2, 3]. The secure gateway determines the unauthorized database (distributor) based on result of the comparison and prevents further distribution of the data from unauthorized distributor [col. 2 lines 50-52]. Thus, the secure gateway determines the tag/identifier from the data and decides whether further distribution/shareability of the data is allowable based on result of the comparison (i.e. if the tag/identifier match with authorized database then the distribution is allowed otherwise the distribution is prevented/prohibited. This satisfies the claim limitation, "the decision regarding whether to share the digital literary work being based only on existence of the identifier in the digital literary work.

The Applicant is reminded that additional modification to clarify the claimed language is necessary for further consideration and distinction from the prior art.

For the above reasons, it is believed that the rejections should be sustained.

Conclusion

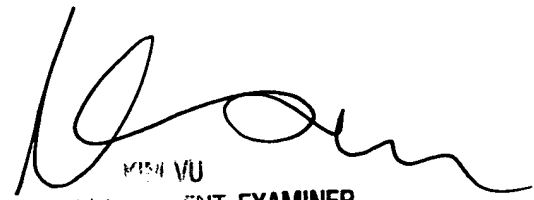
9. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav Patel whose telephone number is 571-272-5936. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

NBP**2/21/07.**

KIM VU
SENIOR EXAMINER
TECHNOLOGY CENTER 2100